



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,596	06/18/2001	Akimasa Fleshler	BEA920010006US1	3370

49474 7590 05/23/2006

LAW OFFICES OF MICHAEL DRYJA
704 228TH AVE NE
#694
SAMMAMISH, WA 98074

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,596

Applicant(s)

FLESHLER ET AL.

Examiner

Ashok B. Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 4,5 and 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-15,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are subject to examination. Claims 4,5, and 16-18 are cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 6-15 and 19-20 have been considered but are moot in view of the new ground(s) of rejection.

Examiner's note:

Examiner has reviewed the comments provided in the response dated 03/21/2006 in order to develop the further understanding of the claimed limitations. Examiner has noted that Applicant states that "In the present response, Applicant has further amended the claimed invention so that it is clear that this resource being managed is "other than a network" - i.e., the resource itself is being managed, as opposed to, for instance, a network to which the resource is communicatively connected. Support for this amendment is found in the patent application as filed at least in FIG. 9 and its conjoining description in which the server 102 can be a resource that is managed, where the server 102 is most definitely not a network and thus is "other a network."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-15, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated Barnes et al. (hereinafter Barnes)(US 6, 594, 470).

Referring to claim 1,

Barnes teaches a system (Fig. 1) comprising:

a resource other than a network (Fig. 1, element 108, "col. 3, line 42-52," Call center network 110 in turn may be connected to a number of network resources and ports. Those resources include supervisor or agent workstations 130 and an automatic call distributor 112, such as a PBX/CENTREX.TM. installation interfaced to the public switched telephone network 128. Those resources also include a remote supervisor server 114, which communicates with the call center server 108 as well as with communications facilities, such as a wireless network server 136 and a wireless data server 138, to manage the wireless delivery of call center information.", col. 9, line 9-16, "Likewise, while the call center architecture of the invention has been described in terms of functionality being distributed between a call center server, a remote supervisor server and other elements, it will be understood that the call center server, remote supervisor server and other elements may be combined in one computing or other resource, or be distributed amongst several other computing or other resources."); and

one or more mobile wireless consoles, (Fig. 1, element 120) each mobile wireless console managing the resource by directly communicating wirelessly with the resource over a wireless network in accordance with an open, common, and non-proprietary protocol such that each mobile wireless console directly communicates

Art Unit: 2154

wirelessly with the resource over the wireless network without communicating through any intermediary device between the console and the resource (col. 8, line 60-col. 9, line 3, "The foregoing description of the system and method for remote management of call center operations is illustrative, and variations in configuration and implementation will occur to persons skilled in the art. For instance, while the remote control transceiver is illustrated as being a wireless network-enabled PDA, wireless network enabled cellular telephone or wireless network-enabled notebook computer, a variety of other devices maybe employed, as long as those devices are network compliant and capable of operating over a wireless link, such as a radio frequency, infrared or other link.", col. 6, line 29-31," This connection may be in the form of the Point-to-Point Network Protocol (PPP) or other format over wireless link 126. (communicating wirelessly with the resource over a wireless network in accordance with an open, common, and non-proprietary protocol), col. 4, line 3-7, "The wireless link 126 may be or include radio frequency channels in communication with wireless network server 136, mobile switching center 116 or other wireless ports.", col. 5, line 7-17, col. 5, line 66 through col. 6, line 5, "In step 216, the control commands are transmitted on the uplink through the wireless link 126 to wireless network server 136, remote supervisor server 114 and call center server 108. In step 218, the call center 102 is configured according to the control commands received from the remote control transceiver 118. In step 220, the call center server 108 updates the call center operations information.", col. 6, line 41-49, "In step 314, a determination is made whether an arriving request from the remote control transceiver 118 is for operations data or to transmit a system configuration or

management command on the uplink to call center server 108. If the request is for data, control proceeds to step 316 and the data request is received from the remote control transceiver 118, by way of wireless network server 136, mobile switching center 116 or other wireless interfaces.”, col. 7, line 9-20, “In the determination of step 314, if the request received from the remote control transceiver 118 is to transmit system management commands, control proceeds to step 328 in which the call center server 108 receives and executes a command. In step 330, the response to the command is transmitted to the remote control transceiver 118, after which control returns to step 312 to await a further request from the remote control transceiver 118. In this manner, call center server 108 monitors the remote control transceiver 118 for requests and commands and responds with operations data and reconfigurations according to input from the supervisor operating the remote control transceiver 118.” (each mobile wireless console directly communicates wirelessly with the resource over the wireless network without communicating through any intermediary device between the console and the resource)

Referring to claim 2,

Barnes teaches the system of claim 1, wherein the resource is one of a server and a network platform. (Fig. 1, element 108, col. 3, line 29-42)

Referring to claim 3,

Barnes teaches the system of claim 1, further comprising: a firewall protecting the resource (col. 6, line 32-37).

Referring to claim 6,

Art Unit: 2154

Barnes teaches the system of claim 1, wherein at least one of the one or more mobile wireless consoles is each selected from the group of mobile wireless consoles consisting of a wireless phone, and a personal-digital-assistant (PDA) device having mobile wireless communication capability. (col. 8, line 60-col. 9, line 3, "The foregoing description of the system and method for remote management of call center operations is illustrative, and variations in configuration and implementation will occur to persons skilled in the art. For instance, while the remote control transceiver is illustrated as being a wireless network-enabled PDA, wireless network enabled cellular telephone or wireless network-enabled notebook computer, a variety of other devices maybe employed, as long as those devices are network compliant and capable of operating over a wireless link, such as a radio frequency, infrared or other link.").

Referring to claim 7,

Barnes teaches the system of claim 1, wherein each mobile wireless console directly communicates wirelessly to manage the resource to perform pre-boot management activities related to the resource. (col. 6, line 41-45, "In step 314, a determination is made whether an arriving request from the remote control transceiver 118 is for operations data or to transmit a system configuration or management command on the uplink to call center server 108.").

Referring to claim 8,

Barnes teaches the system of claim 1, wherein each mobile wireless console directly communicates wirelessly to manage the resource to perform in-band management activities related to the resource. (col. 6, line 41-45, "In step 314, a

Art Unit: 2154

determination is made whether an arriving request from the remote control transceiver 118 is for operations data or to transmit a system configuration or management command on the uplink to call center server 108.”).

Referring to claims 9 and 10,

Barnes teaches the system of claim 1, wherein the open, common, and non-proprietary protocol is a version of one of the Wireless Access Protocol (WAP) and an Internet Protocol(IP)-based mobile protocol, and the system of claim 1, wherein each mobile wireless console has a protocol stack in accordance with the open, common, and non-proprietary protocol. the protocol stack comprising: an application layer based on a wireless access environment (WAE)and supporting a micro-browser environment; a session layer based on a wireless session protocol (WSP) to provide the application layer with a consistent interface; transaction layer based on a wireless transaction protocol (WTP) to provide a lightweight, transaction oriented protocol suitable for implementation in thin clients; a security layer based on a wireless transport layer security IW-I*LSI to provide data integrity, privacy. and denial-of-service protection; a transport layer based on a wireless data protocol (WDP) to provide a common interface to the security layer, the transaction layer. the session layer- and the application layer; and. one or more bearer layers. each providing a corresponding service. (col. 8, line 60- col. 9, line 3, “The foregoing description of the system and method for remote management of call center operations is illustrative, and variations in configuration and implementation will occur to persons skilled in the art. For instance, while the remote control transceiver is illustrated as being a wireless network-enabled PDA, wireless

Art Unit: 2154

network enabled cellular telephone or wireless network-enabled notebook computer, a variety of other devices maybe employed, as long as those devices are network compliant and capable of operating over a wireless link, such as a radio frequency, infrared or other link.”, col. 6, line 20-31).

Referring to claim 11,

Barnes teaches a method comprising:

receiving a message including a resource management operation intended for a resource, other than a network, at a mobile wireless console (Fig. 1, element 108, “col. 3, line 42-52,” Call center network 110 in turn may be connected to a number of network resources and ports. Those resources include supervisor or agent workstations 130 and an automatic call distributor 112, such as a PBX/CENTREX.TM. installation interfaced to the public switched telephone network 128. Those resources also include a remote supervisor server 114, which communicates with the call center server 108 as well as with communications facilities, such as a wireless network server 136 and a wireless data server 138, to manage the wireless delivery of call center information.”, col. 9, line 9-16, “Likewise, while the call center architecture of the invention has been described in terms of functionality being distributed between a call center server, a remote supervisor server and other elements, it will be understood that the call center server, remote supervisor server and other elements may be combined in one computing or other resource, or be distributed amongst several other computing or other resources.”)

encoding the message at the mobile wireless console in accordance with an open, common and non-proprietary protocol (col. 4, line 11-19); and,

sending the message as encoded from the mobile wireless console for ultimate delivery to the resource for performance of the resource management operation over a wireless network in accordance with the open, common, and non-proprietary protocol. the message being directly wirelessly communicated from the mobile wireless console to the resource. such that each mobile wireless console directly communicates wirelessly with the resource over the wireless network without communicating through any intermediary device between the console and the resource (col. 8, line 60-col. 9, line 3, "The foregoing description of the system and method for remote management of call center operations is illustrative, and variations in configuration and implementation will occur to persons skilled in the art. For instance, while the remote control transceiver is illustrated as being a wireless network-enabled PDA, wireless network enabled cellular telephone or wireless network-enabled notebook computer, a variety of other devices maybe employed, as long as those devices are network compliant and capable of operating over a wireless link, such as a radio frequency, infrared or other link.", col. 6, line 29-31," This connection may be in the form of the Point-to-Point Network Protocol (PPP) or other format over wireless link 126. (communicating wirelessly with the resource over a wireless network in accordance with an open, common, and non-proprietary protocol), col. 4, line 3-7, "The wireless link 126 may be or include radio frequency channels in communication with wireless network server 136, mobile switching center 116 or other wireless ports.", col. 5, line 7-17, col. 5, line 66 through

Art Unit: 2154

col. 6, line 5, "In step 216, the control commands are transmitted on the uplink through the wireless link 126 to wireless network server 136, remote supervisor server 114 and call center server 108. In step 218, the call center 102 is configured according to the control commands received from the remote control transceiver 118. In step 220, the call center server 108 updates the call center operations information.", col. 6, line 41-49, "In step 314, a determination is made whether an arriving request from the remote control transceiver 118 is for operations data or to transmit a system configuration or management command on the uplink to call center server 108. If the request is for data, control proceeds to step 316 and the data request is received from the remote control transceiver 118, by way of wireless network server 136, mobile switching center 116 or other wireless interfaces.", col. 7, line 9-20, "In the determination of step 314, if the request received from the remote control transceiver 118 is to transmit system management commands, control proceeds to step 328 in which the call center server 108 receives and executes a command. In step 330, the response to the command is transmitted to the remote control transceiver 118, after which control returns to step 312 to await a further request from the remote control transceiver 118. In this manner, call center server 108 monitors the remote control transceiver 118 for requests and commands and responds with operations data and reconfigurations according to input from the supervisor operating the remote control transceiver 118." (each mobile wireless console directly communicates wirelessly with the resource over the wireless network without communicating through any intermediary device between the console and the resource)

Referring to claim 12,

Barnes teaches the method of claim 11, further comprising: receiving the message at the resource and, performing the resource management operation at the resource. (col. 7, line 9-20, "In the determination of step 314, if the request received from the remote control transceiver 118 is to transmit system management commands, control proceeds to step 328 in which the call center server 108 receives and executes a command. In step 330, the response to the command is transmitted to the remote control transceiver 118, after which control returns to step 312 to await a further request from the remote control transceiver 118. In this manner, call center server 108 monitors the remote control transceiver 118 for requests and commands and responds with operations data and reconfigurations according to input from the supervisor operating the remote control transceiver 118."

Referring to claim 13,

Barnes teaches the method of claim 12, wherein sending the message comprises message through a firewall. (col. 6, line 32-37):

Referring to claim 14,

Barnes teaches the method of claim 11, further comprising:
receiving the resource management operation as encoded at the resource from the mobile wireless console over the wireless network in accordance with the open, common, and non-proprietary protocol; decoding the resource management operation at the resource in accordance with the open, common, and non-proprietary protocol.; and, performing the resource management operation at the resource. (col. 4, line 11-

Art Unit: 2154

19); col. 8, line 60-col. 9, line 3, "The foregoing description of the system and method for remote management of call center operations is illustrative, and variations in configuration and implementation will occur to persons skilled in the art. For instance, while the remote control transceiver is illustrated as being a wireless network-enabled PDA, wireless network enabled cellular telephone or wireless network-enabled notebook computer, a variety of other devices maybe employed, as long as those devices are network compliant and capable of operating over a wireless link, such as a radio frequency, infrared or other link.", col. 6, line 29-31," This connection may be in the form of the Point-to-Point Network Protocol (PPP) or other format over wireless link 126. (communicating wirelessly with the resource over a wireless network in accordance with an open, common, and non-proprietary protocol)

Referring to claims 15 and 20,

Claim 15 is a claim to an article comprising a computer-readable signal-bearing medium; and means in the medium for managing a resource in the system of claims 1 and 7. Therefore claim 15 is rejected for the reasons set forth for claims 1 and 7.

Referring to claim 19,

Claim 19 is a claim to an article comprising a computer-readable signal-bearing medium; and means in the medium for managing a resource in the system of claims 1 and 7. Therefore claim 15 is rejected for the reasons set forth for claims 1 and 7.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the

Art Unit: 2154

references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

Art Unit: 2154

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp


JOHN FOLLANSBEE
SUPER/120PY PATENT EXAMINER
TECHNOLOGY CENTER 2100